

REMARKS

This Amendment is in response to the Office Action dated April 6, 2006 ("Office Action"). In the Office Action, claims 1, 7-11, 17, 19, 25-33, and 38-45 were pending. Examiner allowed claims 1 and 7; Applicants thank Examiner for this allowance. Examiner rejected claims 8-11, 17, 19, 20, 25-30, 33 and 38-43 and objected to claims 31, 32, 44 and 45. Claims 8-11, 31 and 44 have been canceled; claims 17, 19, 32 and 33 have been amended. No new matter has been added. Allowance and reconsideration of the application in view of Applicants' amendment and the ensuing remarks are respectfully requested.

Examiner rejected claims 8-11, 17, 19, 20, 25-26, 28-30, 33, 38-39 and 41-43 based on U.S.C. §102(e) as being anticipated by Bamdad *et al.* (U.S. App. Pub. No. 2003/0036199). Examiner asserted that Bamdad *et al.* disclosed the use of NS-1619 to reduce tumor growth in a variety of cancers, such as brain cancer, including glioblastomas and medulloblastomas. Bamdad *et al.* also taught administering the compound via direct injection and intravenous infusion, and using the dosage range claimed by Applicants. With regard to claims 8-11, which have been canceled by virtue of the present amendment, this rejection is rendered moot. With regard to amended claims 17, 19, 33 and dependent claims 20, 25-26, 28-30, 38-39 and 41-43, Applicants respectfully traverse this rejection.

Examiner rejected claims 27 and 40 under 35 U.S.C. §103(a) as being unpatentable over Bamdad *et al.*, in view of Yamada *et al.* ("Distribution of Radiolabeled 1-(4-Amino-2methyl-5-pyrimidinyl)methyl-3-(2-chloroethyl)-3-nitrosourea Hydrochloride in Rat Brain Tumor: Intraarterial versus Intravenous Administration," *Cancer Research* 1987; 47:2123-2128). Examiner found that the combination of these references describe the use of intracarotid infusion as the method of administering NS-1619. This rejection is respectfully traversed.

Examiner objected to claim 19 under 37 CFR 1.75(c) for failing to further limit the subject matter of a previous claim. Claim 19 has been amended to delete "*meningioma, sarcoma, melanoma, lymphoma and carcinoma*" as a type of malignant tumor.

Examiner objected to claims 31-32 and 44-45 as being dependent on rejected claims. Examiner noted that Bamdad *et al.* did not teach or suggest the administration of the compound to a subject at the dose rates specified in these claims.

Claim 32 was merely amended to adjust the claim dependency.

Claims 17 and 33 have been amended to incorporate the limitation of administering the calcium-activated potassium channel activator to the mammalian subject at a dose rate of about 0.075 to about 200 $\mu\text{g kg}^{-1} \text{ min}^{-1}$. Support for this amendment may be found throughout the specification and in the claims as originally filed; for example, page 12. Applicants respectfully submit that amended claims 17 and 33 and claims dependent therefrom are neither anticipated by Bamdad *et al.* nor rendered obvious by Bamdad *et al.* in view of Yamada *et al.*, and respectfully request that Examiner withdraw the rejections under 35 U.S.C. §102(e) and §103(a).

Applicants reserve the right to pursue any unclaimed subject matter in one or more continuation or divisional applications.

Applicants note that the Attorney Docket Number on the Office Action is erroneously shown as “67789-512.” The correct Attorney Docket Number is “67789-514.” Applicants respectfully request Examiner to correct the Attorney Docket Number in this file.

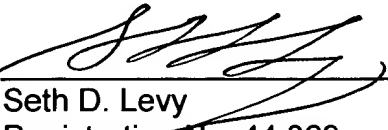
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All of the claims remaining in the application are now believed to be allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact
the undersigned at (213) 633-6869.

Respectfully submitted,

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